

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION**

KERRI L. VIERLING and LARRY M. VIERLING **PLAINTIFFS**

v. **CAUSE NO. 1:15CV243-LG-RHW**

JACKSON COUNTY, MISSISSIPPI, ET AL. **DEFENDANTS**

**MEMORANDUM OPINION AND ORDER
GRANTING MOTION TO DISMISS**

BEFORE THE COURT is the Motion [49] to Dismiss filed by former Sheriff Mike Byrd, Deputy Robert F. Kline, Charles Britt, Christopher Stratton, and Deputy Michael Jimerson in their official capacities. This lawsuit concerns allegations of violation of constitutional rights and related state law torts arising from an arrest by Jackson County officers. The moving defendants request dismissal of the claims against them in their official capacities because they are nothing more than claims against Jackson County, Mississippi. The plaintiffs did not file a response to the Motion, and the time for doing so has passed.

“[A]n official-capacity suit is, in all respects other than name, to be treated as a suit against the entity. It is not a suit against the official personally, for the real party in interest is the entity.” *Kentucky v. Graham*, 473 U.S. 159, 166 (1985) (internal citation omitted). Jackson County, “the real party in interest,” is before the Court. *Id.* Plaintiffs’ official capacity claims against former Sheriff Mike Byrd, Deputy Robert F. Kline, Charles Britt, Christopher Stratton, and Deputy Michael Jimerson are thus “duplicative or redundant” and subject to dismissal. *Pride v. City of Biloxi*, No. 1:10cv100, 2011 WL 5835109, at *5 (S.D. Miss. Nov. 21, 2011)

(citations omitted), *aff'd*, 552 F. App'x 334 (5th Cir. 2014).

IT IS THEREFORE ORDERED AND ADJUDGED that the Motion [49] to Dismiss filed by former Sheriff Mike Byrd, Deputy Robert F. Kline, Charles Britt, Christopher Stratton, and Deputy Michael Jimerson, in their official capacities, is **GRANTED**.

SO ORDERED AND ADJUDGED this the 23rd day of May 2016.

s\ *Louis Guirola, Jr.*

Louis Guirola, Jr.
Chief U.S. District Judge